

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANDREA T. ANNESE)	
)	
Plaintiff,)	
v.)	Case No: CIV-17-655-C
)	
U.S. XPRESS, INC and)	
GLENN ANDERS,)	
)	
Defendants.)	

SECOND AMENDED COMPLAINT

COMES NOW Plaintiff, Andrea T. Annese, for her cause of action against the Defendants, U.S. Xpress, Inc. and Glenn Anders, alleges and states:

1. On or about March 9, 2016 at or near South Morgan Rd. and S.W. 8th Street in Oklahoma City, Oklahoma County, Oklahoma, Glenn Anders negligently drove a tractor-trailer, striking the vehicle operated by Plaintiff Andrea T. Annese.
2. That at all relevant times mentioned herein, Plaintiff operated her vehicle properly and lawfully.
3. Defendant Anders improperly changed lanes causing the collision.
4. Defendant Anders failed to stop after striking the Plaintiff's vehicle.
5. Defendant Anders chose to violate state, local and federal statutes and regulations and is liable for negligence per se for violation of the same.
6. At the time of the collision, Defendant Anders, was a professional tractor-trailer driver and held a Class A driver's license.
7. The tractor-trailer driven by Glenn Anders was owned, controlled, and/or maintained

by Defendant U.S. Xpress, Inc.

8. Defendant, U.S. Xpress, Inc., is incorporated in the State of Tennessee.
9. At all times described herein, Glenn Anders was an employee and/or agent of Defendant, U.S. Xpress Inc.
10. At all times described herein, Glenn Anders, was acting within the scope of his employment and/or agency for Defendant, U.S. Xpress, Inc.
11. Defendant, U.S. Xpress, Inc. is vicariously liable for the negligence of its employee, agent and/or statutory employee, Glenn Anders under the theory of *respondeat superior*.
12. Defendant, U.S. Xpress, Inc., negligently entrusted Defendant Anders, with a commercial motor vehicle, and knew or should have known that Defendant Anders was incompetent and/or reckless driver.
13. Defendant, U.S. Xpress, Inc., is liable for the negligent hiring, training, retention and supervision of its employee, Defendant, Glenn Anders.
14. That as a direct and proximate result of the negligence of the Defendants, U.S. Xpress, Inc. and Glenn Anders, the Plaintiff, Andrea T. Annese, has sustained bodily injuries; has incurred medical expenses; has suffered pain and suffering; and has incurred property damage all in an amount in excess of \$75,000.00.
15. That at all times relevant hereto, the Defendant Anders operated the commercial motor vehicle in a reckless disregard for the rights and safety of others and the Plaintiff is entitled to punitive damages for the same in an amount in excess of \$75,000.00.

WHEREFORE, Plaintiff, Andrea T. Annese, prays for judgment against Defendants, U.S. Xpress, Inc. and Glenn Anders, for personal injuries in an amount in excess of \$75,000 and for

punitive damages in an amount in excess of \$75,000.00 plus interest, costs, attorney fees, and all such other and further relief as to which Plaintiff may be entitled.

Respectfully submitted,

/s/ Monty L. Cain

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of November, 2018, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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/s/ Monty L. Cain

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